



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|-------------------------------|------------------|
| 10/590,020 | 10/23/2006 | Renno Hjorth Rokkjaer | PATRADE | 6715 |
| James C Wray Suite 300 1493 Chain Bridge Road McLean, VA 22101 | | | EXAMINER JUSKA, CHERYL ANN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1794 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 01/26/2009 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,020

Applicant(s)

ROKKAER, RENNO HJORTH

Examiner

Cheryl Juska

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/06
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3, 5-7, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Said claims are rejected as indefinite for reciting a broad limitation followed by a “preferably” limitation. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Such a recitation renders a claim indefinite by raising a question or doubt as to whether the feature introduced by the “preferably” language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,545,276 issued to Higgins.

Higgins discloses a process for making a cushioned carpet tile and a tufted or bonded carpet tile made therefrom (abstract and claims). A primary carpet fabric 112 is preferably formed comprising pile-forming yarns tufted a primary backing 122 and adhered thereto by a precoat adhesive 124 (col. 5, line 59-col. 6, line 2). The pile yarns 120 may be nylon, polyester, polyolefin, etc. (col. 6, lines 14-24). A reinforcement material 158 such as a fiberglass nonwoven or polyester nonwoven fabric (i.e., felt) is adhered to the primary carpet fabric 112 by means of a hot melt adhesive layer 160 (i.e., gluing) (col. 6, lines 36-58). The backside of the (felt) reinforcement layer 158 is then laid into a puddle of a curable polyurethane composition (col. 6, lines 58-62). The polyurethane composition is then cured by means of conduction, radiant, or convection heaters at a temperature of about 250-325 F (about 120-160 C) to form a polyurethane foam cushion-backed carpet (col. 8, lines 54-65). The carpet is subsequently cut into carpet tiles, wherein the polyurethane cushion layer inherently provides at least some degree of dimensional stability and rigidity (col. 9, lines 3-6). Hence, claims 1-5 and 10 are clearly anticipated by the cited Higgins patent.

Regarding claim 8, Figure 2 shows at least a "back side coating unit" (i.e., reinforcement bonding unit 155), including a storage roll 114 and unwinding unit 150 for the primary carpet fabric, "an application unit" (i.e., polymer application unit 175), "a curing unit" (i.e., heating unit 182), and "a coiling unit for the formed carpet web" (i.e., roll down line or to the left of from reference number 185). While "a punching unit" is not explicitly taught by Higgins, the

reference implicitly teaches “a punching unit” with its teaching that the carpet is cut into tiles.

Thus, claim 8 is clearly anticipated by Higgins.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 7, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the cited Higgins reference.

With respect to claim 9, while Higgins does not explicitly teach the application unit, curing unit, and punching unit constitute an independent part of a plant, Figure 2 clearly shows at least said application and curing units in a single production line (i.e., independent part of plant). Additionally, the reference teaches the cured carpet is “almost immediately” cut into tiles “to avoid any undesired cupping or curl” (col. 9, lines 3-6), which would suggest to a skilled artisan that the “punching unit” be within the same location as the carpet production line. In other words, it would have been readily obvious to one skilled in the art to include a “punching unit” at the end of the carpet production line or at least within the same general location. Therefore, claim 9 is rejected as being obvious over the Higgins reference.

Regarding claims 6, 7, and 11, while Higgins fails to explicitly teach the claimed basis weights for the (felt) reinforcement layer and the curable polyurethane layer, said claims are rejected as being obvious over the prior art. Specifically, it has been held that discovering an

optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 205 USPQ 215. Hence, the claims are rejected since it would have been obvious to a skilled artisan to modify the basis weights of the reinforcement layer and the polyurethane cushion layer in order to produce variable carpet constructions. For example, a decrease in said basis weights would reduce the overall carpet tile weight, while an increase in the reinforcement layer would increase the dimensional stability or rigidity. Such modifications would have yielded predictable results to a skilled artisan. Therefore, claims 6, 7, and 11 are rejected.

Conclusion

8. The art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 1794

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Juska/
Primary Examiner
Art Unit 1794